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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 928,896	08 13 2001	Gary Austin	32866US1	8149

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CLEVELAND, OH 44114-1484

EXAMINER

BUSHEY, CHARLES S

ART UNIT	PAPER NUMBER
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1724

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/928,896

Applicant(s)

AUSTIN ET AL.

Examiner

Scott Bushey

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-150)

Art Unit: 1724

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: 1) page 7, line 12, "forth" should be replaced by --fourth--; 2) page 10, line 25, and page 11, line 1, reference numeral "50" is not in the figures.

Appropriate correction is required.

### *Drawings*

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign mentioned in the description: "50", as mentioned at page 10, line 25, and page 11, line 1. **A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.**

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States;

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language

Art Unit: 1724

5. Claims 16, 17, 19, and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dobson et al '415 (Figs. 3-6, and 8-11).

6. Claims 1-3, 6, 7, and 9 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Miller '505 (Figs. 1 and 2; col. 3, lines 17-21).

Applicant should note that the apparatus as illustrated by Fig. 2 of the reference can clearly read on applicant's instant claim 1, wherein the center portion (30) represents the opening between the plurality of baffles (44), which are arranged between the two adjacent chambers, the first chamber by the inlet (34) and the second chamber by the outlet (32). Applicant should also note that Figs. 1 and 2 of the reference clearly illustrate the baffles extending from the cover down toward, but not reaching the base.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that is not commonly owned with any of the other claims in the application.

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a)

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Rowan or Miller '505.

Rowan and Miller '505 have each been applied above and each substantially disclose applicant's invention as recited by instant claim 10, except for the specific recitation that the cover and base possess respective tongue and groove structures to facilitate connection of the cover and base elements. Rowan and Miller '505 do each provide for conventional cover to base connections, Rowan being of a permanent weld type connection and Miller '505 utilizing a removable screw type connection. It is noted that applicant's claimed tongue and groove connection is of the notoriously well known type as is provided within air tight and liquid tight container structures, such as are sold under the trademark Tupperware. Wherein every person in the developed world is intimately familiar with such a tongue and groove connection of the type utilized by applicant, it would have been obvious for an artisan at the time of the invention, to substitute a well known tongue and groove type connection for the joint between the cover and base of either of the reference apparatus, since such is well known within the art, as well as within everyone's general knowledge, to provide a convenient means for connection between a base and cover that is reliably gas and liquid tight.

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rowan.

Rowan (Fig. 3) as has been applied above substantially discloses applicant's invention except for the recitation that the downstream chambers have higher water levels than the upstream chambers. Wherein applicant has failed to recite any specific structure that would

through the apparatus, such would have been an obvious result of operating the Rowan apparatus

Art Unit: 1724

at a sufficient air flow velocity so as to cause migration of the water toward the downstream end of the device.

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dobson et al '415 taken together with either of Rowan or Miller '505.

All of the references have been applied above and Dobson et al '415 clearly discloses applicant's invention as set forth by instant claim 18, except for the chamber having a plurality of baffles therein. Each of Rowan and Miller '505 teach chambers having a plurality of baffles therein. It would have been obvious for an artisan at the time of the invention, to modify Dobson et al '415 to include plural baffles, in view of either Rowan or Miller '505, since such would improve the contact efficiency between the phases in a well known manner.

#### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Bushey whose telephone number is (703) 308-3581. The examiner can normally be reached on Monday-Thursday 6:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Simmons can be reached on (703) 308-1972. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 872-9311 for After Final communications.

Applicant is directed to the receptionist whose telephone number is (703) 308-3004.


Application/Control Number: 09/928,896

Page 6

Art Unit: 1724

Scott Bushey  
Primary Examiner  
Art Unit 1724

csb  
February 27, 2003

  
2-27-03